

REMARKS

Prior to entry of this paper, Claims 1-56 were pending. Claims 1-22, 26-31, 32-42, 47-48 and 52-56 were rejected. In this paper, Claims 26, 33 47, 52, and 56 are amended; Claims 23-25, 43-46, and 49-51 are cancelled; and Claims 57-59 are added. Claims 1-22, 26-42, 47-48 and 52-59 are currently pending. No new matter is added by way of this amendment. For at least the following reasons, each of the presently pending claims is in condition for allowance.

Claim Rejections - 35 USC § 102

Claims 1-22, 26-42, 47-48 and 52-56 were rejected under 35 U.S.C. § 102(e) as being anticipated by Albert et al (US 6,742,045) hereafter “Albert”.

Claim 1 is allowable at least because Albert fails to disclose, “if each received packet in the flow of packets is unassociated with the traffic manager, performing actions, including: (A) selecting another traffic manager”, as recited in Applicant’s Claim 1.

In contrast, Albert discusses a forwarding agent that intercepts packets, and if a matching affinity is not found, the packet is compared against wildcard affinities. (Albert, col. 15, lines 45-50). The wildcard affinities specify subnet masks that determine sets of source and destination IP addresses that will be forwarded to a service manager. In addition, ports or sets of ports and protocol may be specified in the wildcard affinity as well. (Albert, col. 8, lines 23-29). **If no matching wildcard affinities are found, normal IP routing occurs instead of forwarding the packet to a service manager.** (Albert, col. 15, lines 50-51).

In Albert, if a packet is associated with a service manger, either by a fixed affinity or a wildcard affinity, it is forwarded to the service manager that it is associated via the fixed affinity or wildcard affinity. However, in Albert, if the packet is unassociated with any traffic managers, another traffic manager is not selected. Rather, in Albert, if the packet is unassociated with any traffic manager, normal IP routing occurs. Albert fails to teach, if the flow is unassociated with any traffic manger via fixed affinity or wildcard affinity, selecting another traffic manger. Therefore, Claim 1 is allowable in view of Albert and is in condition for allowance.

Further, in Albert, it is the service manager that establishes an association by fixed affinity or wildcard affinity, not the distributor. In Albert, the **distributor** forwards packets to a service manager if the packet is associated with the traffic manager, but the **distributor** does not associate a packet with a service manager. In Albert, only a service manager can create an association of the packet with the service manager, by means of an affinity key or a wildcard affinity. (Albert, col. 7, line 61 through col. 8, line 21). For example, see col. 8, lines 5-6 (“Instructions for how to handle packets are specified for each flow **by the service managers** using an affinity key”, emphasis added), and col. 8, lines 18-21 (“the service manager also provides general instructions to each forwarding agent that specify which new flows the service manager is interested in seeing. These general instructions are provided using wildcard affinities”). Therefore, Albert fails to teach a processor that is arranged to perform both “forwarding the flow of packets to the associated traffic manager” and “associating the other traffic manager with the flow of packets”. For this additional reason, Claim 1 is allowable in view of Albert.

Additionally, since Claims 12, 17, and 36 are somewhat similar to Claim 1, albeit different in some ways, Claims 12, 17, and 36 are also allowable for at least substantially the same reasons as Claim 1.

As amended Claim 33 is allowable at least because Albert fails to disclose, “transmitting, from the traffic manager to the distributor, a first partial server-side connection key corresponding to another flow of packets, wherein the first partial server-side connection key includes known fields and unknown fields; learning, at the distributor, of a second partial server-side connection key which includes fields corresponding to unknown fields of the first partial server-side connection key; and storing, at the distributor, an association between the second partial server-side connection key and the traffic manager associated with the flow of packets for use in forwarding packets of said another flow of packets”, as recited in Claim 33 as amended. Support for this amendment is found at page 26, line 4 through page 27, line 15 of Applicants’ specification.

Albert discusses an affinity key, which is a 5-tuple that includes the source and destination IP addresses, the source and destination port number, and a protocol identification. In Albert, the affinity key appears to always include all five of those fields. (Albert, Col. 7, lines 26-39). Albert

fails to disclose existence of a first partial affinity key in which some fields of the 5-tuple are unknown, and learning of a second partial affinity key that includes fields unknown in the first partial key. Therefore, Claim 33 is allowable in view of Albert and is in condition for allowance.

As amended Claim 26 is allowable at least because Albert fails to disclose a distributor that performs load balancing. Applicants' specification teaches a distributor that may select a traffic management device to balance a load across the traffic management devices. The distributor performs the load-balancing determination. (See Applicants' specification at page 13, lines 8-18).

In contrast, Albert discusses forwarding agents that do not have any decision making capability to provide load balancing. The Office equates the "forwarding agents" to the claimed "distributors" and the "service managers" to the claimed "traffic managers". In Albert, the service managers provide the decision making capability that is required to provide load balancing. The service managers send specific instructions to each of the forwarding agent detailing how certain flows of packets are to be processed. In Albert, it is the service managers (which the Office equates to the claimed traffic managers) that perform decision making regarding load balancing, not the forwarding agents (which the Office equates to the claimed distributors). Accordingly, Albert fails to disclose, "at a distributor... performing load-balancing, including making a determination as to which traffic manager of the plurality of traffic managers to forward packets to based on balancing a load across the plurality of traffic managers", as recited in Applicants' Claim 26 as amended.

Additionally, since as amended Claims 47 and 52 are somewhat similar to as amended Claim 26, albeit different in some ways, Claims 47 and 52 are also allowable for at least substantially the same reasons as Claim 26.

Furthermore, Claims 2-11 are allowable at least because they depend from Claim 1; Claims 13-16 are allowable at least because they depend from Claim 12; Claims 18-22 are allowable at least because they depend from Claim 17; Claims 27-31 are allowable at least because they depend from Claim 26; Claims 34 and 35 are allowable at least because they depend from Claim 33; and Claims 37-42 are allowable at least because they depend from Claim 36; Claim 48 is allowable at least because it depends from Claim 47; and Claims 53-56 are allowable at least because they depend from Claim 52.

New Claims 57-59

Claims 57-59 are respectfully submitted to be allowable at least because they depend from Claim 1. Support for the additional recitations in Claims 57-59 are found at page 26, line 4 through page 27, line 15 of Applicants' specification.

CONCLUSION

It is respectfully submitted that each of the presently pending claims (1-22, 26-42, 47-48 and 52-59) is in condition for allowance and notification to that effect is requested. Examiner is invited to contact the Applicants' representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby. Although only certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentable. Applicant reserves the right to raise these arguments in the future.

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Respectfully submitted,

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